

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JAMES EARL MCCOY, #92232

PETITIONER

VERSUS

CIVIL ACTION NO. 4:07-cv-30-DPJ-JCS

CHRISTOPHER EPPS

RESPONDENT

**ORDER TRANSFERRING CAUSE TO UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI, EASTERN DIVISION**

Petitioner submitted to this Court a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis*. The Petitioner indicates that he is currently serving a state sentence for armed robbery rendered by the Lowndes County Circuit Court, located in the Northern District of Mississippi. Petitioner is currently confined in the Kemper-Neshoba Regional Correctional Facility, DeKalb, Mississippi, located in the Southern District of Mississippi.

Title 28 United States Code Section 2241(d) states that when a person files an application for a writ of habeas corpus and they are in custody under the judgment and sentence of a state court with two or more federal judicial districts, the application may be filed in the district court for the district where the person is in custody or in the district court for the district within which the state court was held which convicted and sentenced the person. The sentencing jurisdiction and the district of incarceration have concurrent jurisdiction. Further, the district court which considers the application may in the exercise of its discretion and in furtherance of justice transfer the application to the other district court for hearing and determination. Since the Petitioner is serving a state sentence from Lowndes

County Circuit Court which is in the Northern District of Mississippi, this case will be transferred to the Northern District. In the exercise of this Court's discretion and in the furtherance of justice, it is hereby,

ORDERED that this application and petition for habeas corpus relief be transferred to the United States District Court for the Northern District of Mississippi, Eastern Division, and that the application shall be received in accordance with the orders and local rules of that court and any applicable statute or law.

SO ORDERED AND ADJUDGED this the 8th day of March, 2007.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE